HIGH COURT OF CHHATTISGARH : BILASPUR

Before: Hon'ble Shri Dilip Raosaheb Deshmukh, J,

Second Appeal No. 452 of 2007

Appellant Defendant	:	Santosh Sahu, S/O Shri Baij Nath Sahu, by cast-Teli aged about 40 years, Assistant Teacher Shamtara, Dist. Kanker, resident of Amapara Kanker, Tah. & District – Kanker (C.G.)
		Versus
Respondent Plaintiff	:	Shrimati Dulari Bai Sahu, D/O Late Manglu Ram Sahu, By Caste-Teli, aged about 60 years, Resident of Amapara Kanker Tahsil & Dist. Kanker (C.G.)

SECOND APPEAL U/S 100 OF CIVIL PROCEDURE CODE, 1908

Present: Shri Rewa Shanker Patel, counsel for the appellant.

ORAL ORDER
(Passed on 01.11.2007)

Heard on admission.

2. The appellant/defendant is aggrieved by the judgment and decree dated 09.08.2007 passed by the Additional District Judge, North Bastar, Kanker passed in Civil Appeal No. 23-A of 2006 whereby the judgment and decree dated 12.04.2006 passed in Civil Suit No. 46-A of 2005 by the Civil Judge Class-I, Kanker grating eviction of the appellant from the suit accommodation under Section 12 (1) (a) of the Chhattisgarh Accommodation Control Act, 1961 (hereinafter referred to as the Act) was affirmed.

3. Shri R.S. Patel, learned counsel for the appellant has assailed the impugned judgment and decree on the sole ground that the respondent/plaintiff had failed to establish existence of relationship of landlord and tenant between the parties and the appellant/defendant was in

permissive possession of the suit accommodation. No other ground was urged. Learned counsel also referred to the statement of respondent/plaintiff recorded by the trial Court. Shri R.S. Patel, learned counsel for the appellant did not dispute that the appellant has not deposited any rent so far.

4. Having considered the submission, I have perused the judgment and decree of the lower appellate Court as also that of the trial Court. The appellant/defendant had admitted before the trial Court in his cross-examination paragraph 4 that the tenancy was from month to month and that he had replied to the notice of the plaintiff Ex.P.3 vide Ex.D.1. Geeta Sahu, wife of the appellant/defendant had also admitted in cross-examination paragraph 1 that rent of the suit accommodation was Rs.450/- per month.

5. In this view of the matter, I am of the considered opinion that the decree for eviction of the appellant/defendant under Section 12(1) (a) of the Act passed by the trial Court and affirmed by the lower appellate Court is impeccable and no substantial question of law is involved for determination in this appeal.

6. Accordingly, this appeal being devoid of merit is dismissed at the admission stage. A decree be drawn accordingly.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjan